

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 CEA-01 COME-00 EB-07 EA-06 FRB-03

IO-10 NEA-09 OPIC-03 TRSE-00 CIEP-01 LAB-04 SIL-01

OMB-01 STR-01 /109 W

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E.O. 11652: NA

TAGS: EIND, ETRD, EEC

SUBJECT: GOVERNMENT PROCUREMENT--EC DRAFT DIRECTIVE AND OECD WORK-  
ING GROUP

REFS: A) EC BRUSSELS 10052, 1974

B) EC BRUSSELS 8290, 1974

1. SUMMARY: EC COMMISSION OFFICIALS AND PERMREP CONTACTS  
DO NOT EXPECT PASSAGE OF THE EC DRAFT DIRECTIVE ON GOVERNMENT  
PROCUREMENT BEFORE THE OUTCOME OF THE BRITISH RENEGOTIATION  
BECOMES CLEAR. THE COMMISSION OFFICIAL WHO WILL ATTEND THE OECD  
WORKING GROUP ON GOVERNMENT PROCUREMENT HOPES FOR A SUCCESSFUL  
MEETING. END SUMMARY.

2. EC DRAFT DIRECTIVE--DERISBOURG AND HARRIS OF THE EC  
COMMISSION DIRECTORATE GENERAL FOR THE INTERNAL MARKET  
TOLD US THAT THE COMMITTEE OF PERMANENT REPRESENTATIVES  
(COREPER) WILL TAKE UP THE DRAFT DIRECTIVE ON GOVERNMENT  
PROCUREMENT THIS MONTH. THE OUTSTANDING PROBLEMS  
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REPORTED IN REFTEL A AND EARLIER CABLES SUCH AS THE

INCLUSION OR EXCLUSION OF TELECOMMUNICATIONS AND COMPUTERS REMAIN, AND RAPID AGREEMENT AMONG THE NINE APPEARS UNLIKELY. A DUTCH PERMREP CONTACT ALSO EXPRESSED DOUBTS ON RAPID AGREEMENT. DERISBOURG SAID THAT HE FEARED THAT PASSAGE OF THE DRAFT DIRECTIVE WOULD HAVE TO AWAIT THE OUTCOME OF THE BRITISH RENEGOTIATION.

3. REGARDING TREATMENT OF THIRD COUNTRY PRODUCTS, THE COMMISSION STILL HAS NOT DEVELOPED ITS FINAL LEGAL POSITION FOR COREPER. THE OBJECT IS TO ALLOW MEMBER COUNTRIES, WHO SO CHOOSE, TO LIMIT THE GEOGRAPHICAL SCOPE OF THE DRAFT DIRECTIVE TO THE MEMBER STATES UNTIL AN INTERNATIONAL AGREEMENT IS REACHED. THE LEGAL FORM WILL BE A COUNCIL DECLARATION, RATHER THAN A DIRECTIVE (SEE REFERENCE B), BASED ON A COMBINATION OF ARTICLES 113 AND 115, WHICH WOULD BE APPROVED BY THE EC COUNCIL AT THE SAME TIME AS THE DRAFT DIRECTIVE ON GOVERNMENT PROCUREMENT.

4. OECD WORKING GROUP, FEBRUARY 17-21--DERISBOURG LOOKS FORWARD TO A GOOD MEETING AND BELIEVES PROGRESS CAN BE MADE ON TREATMENT OF PRODUCTS FROM COUNTRIES WHICH ARE NOT SIGNATORIES TO THE OECD AGREEMENT. HE VOLUNTEERED THAT HE WAS DOUBTFUL ABOUT COUNTRIES SIGNING A GOVERNMENT PROCUREMENT CODE--HOWEVER, SELF-BALANCING THAT IT MIGHT BE--IF THEY DID NOT KNOW THE OUTCOME OF OTHER PARTS OF THE MTN. HE ADDED THAT THE COMMISSION AS YET HAD NO POSITION ON THIS ISSUE. GREENWALD

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